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ATTORNEY DOCKET NO. 13170.0001U2
SERIAL NO. 09/625,702

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Macey

Serial No.: 09/625,702

Filed: July 7, 2000

For: "SYSTEM AND METHOD FOR
INCORPORATING MORTALITY RISK IN AN
INVESTMENT PLANNING MODEL"

Group Art Unit: 3624

Examiner: Subramanian, N.

Conf. No.: 6534

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ELECTION UNDER RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

January 20, 2004

Sir:

In the Action dated October 21, 2003, the Examiner has restricted the application and has required an election of one of ten different groups set forth on pages 2 and 3 of the Action. The application has been restricted into the following ten groups:

Group I. Claims 1-5 drawn to a retirement planning method for computing a possible future value of a portfolio of an investor using cumulative probabilities;

Group II. Claims 6-10 drawn to a retirement planning method for computing a possible future value of a portfolio of a plurality of joint investors using cumulative probabilities;

Group III. Claims 11-17 drawn to a retirement planning method for computing a possible future value of a portfolio of an investor using mortality tables;

Group IV. Claims 18-23 drawn to a retirement planning method for computing a possible future value of a portfolio of an investor using cumulative probabilities;

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future value of a portfolio of a plurality of joint investors using mortality tables;

Group V. Claims 24-31 drawn to a retirement planning method for computing a possible future value of a portfolio of an investor using mortality tables and advancing the current age to a next age group indicated in the mortality tables;

Group VI. Claims 32-39 drawn to a retirement planning method for computing a possible future value of a portfolio of a plurality of joint investors using mortality tables and advancing the current age to a next age group indicated in the mortality tables;

Group VII. Claims 40-44 drawn to a retirement planning method for computing a possible future value of a portfolio of an investor using cumulative probabilities and using partitions to draw random numbers;

Group VIII. Claims 45-49 drawn to a retirement planning method for computing a possible future value of a portfolio of a plurality of joint investors using cumulative probabilities and using partitions to draw random numbers;

Group IX. Claims 50-51 drawn to a retirement planning method for computing a possible future value of a portfolio of an investor using vitality tables; and

Group X. Claims 40-44 drawn to a retirement planning method for computing a possible future value of a portfolio of an investor using uniform probability distribution.

Applicants provisionally elect Group II with traverse and, accordingly, provisionally elect Claims 6-10 drawn to retirement planning method for computing a possible future value of a portfolio using cumulative probabilities, classified in class 705, subclass 36.

For a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that the search and examination of the entire application cannot be made without *serious burden* on the Examiner. *See* M.P.E.P § 803. Applicant requests that the restriction requirement be

reconsidered because the Examiner has not met the burden of demonstrating that a *serious burden* would be required to examine all the claims. M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (*Emphasis added.*)

Applicant respectfully submits that the Examiner has not shown that the second requirement has been met. Specifically, there has been no showing that it would be a serious burden to search and examine the ten groups together. The groups are related in that they involve systems and methods for computing a possible future value of a portfolio. Because little or no additional burden would be required to search and examine the groups together, applicant respectfully submits that the Examiner should search and examine the groups together. Indeed it would be most efficient to keep them together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.


Applicants await an action on the merits.

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No fees are believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

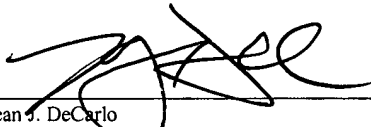


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Kean J. DeCarlo